

## **788 KAR 2:010. Job Training Partnership Act.**

RELATES TO: KRS 194.030(9)

STATUTORY AUTHORITY: KRS 151B.020, 341.115

NECESSITY, FUNCTION, AND CONFORMITY: PL 97-300, the Job Training Partnership Act authorizes the states to implement a job training program. The Cabinet for Workforce Development is authorized by KRS 151B.020 to adopt such rules and administrative regulations as are necessary to implement programs mandated by federal law or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this administrative regulation is to implement the Kentucky Job Training Program in accordance with applicable federal laws and regulations.

Section 1. In order to facilitate the administration of the Job Training Program as authorized by PL 97-300, the 1986 Amendments and as regulated in 20 CFR Parts 626 through 636, the following CFR, Public Law and Conference Report are incorporated by reference:

(1) 20 CFR Parts 626 through 636, dated April 1, 1986, which contains regulations regarding the implementation of the Job Training Partnership Act (JTPA) and includes operational procedures for: determining eligibility of grant recipients and funding; preparing the Governor's Coordination and Special Services Plan; involving the State Job Training Coordinating Council; implementing inter-state JTPA agreements; distribution of state funds; ensuring state education coordination and awarding grants; implementing training programs for older individuals; awarding state incentive grants; designating JTPA service delivery areas (SDA) and private industry councils; selection of SDA grant recipients; preparing, reviewing and approving job training plans; prohibiting use of public service employment for JTPA purposes; determining eligibility for need-based payments and benefits and assessing working conditions; ensuring compliance in the areas of grant payments, program income, insurance, procurement, management systems, reporting and recordkeeping, budgetary classifications and limitations, matching funds, property management standards, audits, program oversight, sanctions for Act violations, program close-out and performance standards; filing requests for and conducting grievance hearings; handling of administrative, civil and criminal complaints and reports of fraud, abuse and other criminal activity; and implementing summer youth employment and training programs, native American employment and training programs, migrant and seasonal farm-worker programs and veterans employment programs.

(2) PL 97-300, the Job Training Partnership Act of 1982 and the amendments issued in PL 99-496 dated October 16, 1986 which concerns the state and local service delivery system and general program and administrative issues including the authority and program requirements of the governor, state job training coordinating councils, private industry councils and chief elected officials; processes for designating local service delivery areas; preparing local plans and selecting local service providers; development of performance standards and procedures for implementation; fiscal control; monitoring and recordkeeping; training programs for disadvantaged youth and adults, including the areas regarding funding and eligibility and summer youth training and job programs; implementing training and employment aid program for dislocated workers including consultation with private industry councils; funding and implementation of employment and training programs for native Americans, migrant workers and veterans; Job Corps; labor market information systems; functions of the National Commission for Employment Policy; and coordination between the Work Incentive Program and the job training delivery system.

(3) Job Training Partnership Act, Conference Report, issued September 28, 1982, which is a joint explanatory statement of the Committee of Conference on the Job Training Partnership Act which explains the action agreed upon by the House and Senate managers and expresses the intent of the Congress.

(4) Interpretations of Job Training Partnership Act Rules and Regulations dated June 18, 1986, which contains interpretations pertaining to: Summer Youth Employment and Training Programs; Maximum and Minimum Limitations on Expenditures; Job Training Partnership Act, States' Responsibilities in Incident Report Procedures; and Job Training Partnership and Wagner-Peyser Acts Funds Availability. Also contained therein is an amendment to Part 629.38(e)(2)(iii) concerning Single Unit Charge Agreements involving Training of Youth as well as 20 CFR, Volume 51, Notices: No. 22, Job Training Partnership Act, Performance Standards for Program Years (PY) 1986 and 1987; No. 88, Job Training Partnership Act, Semiannual Status Report for Titles II-A and III Programs, and Title II-B Summer Performance Report; No. 117, Job Training Partnership Act, Annual Status Report for Titles II-A and III Programs.

Section 2. In order to coordinate the Job Training Program and provide for uniform service to the public, the following plan, instructions and procedures are adopted by reference:

(1) Governor's Coordination and Special Services Plan (GCSSP) for program years 1986 and 1987, dated May 15, 1986. This plan contains the identifying information of the applicant which includes the name and address of the grantee, date of submission, and time period covered. The program information includes the criteria for coordinating activities under the Act, including Title III activities, with programs and services provided by state and local agencies determined to have a direct interest in employment and training and human resource utilization within the state. It describes the use of resources provided to the state and its service delivery areas under the Act. It describes the projected use of resources, including education coordination, oversight, and support activities, priorities and criteria for state incentive grants, and performance standards and incentive award systems for the state-supported programs. It also addresses adjustments in Kentucky's performance standards as well as incentive awards and the method used in making the adjustments. It includes information on any of the activities listed in Section 121(c) of the Act which the state intends to conduct. It provides a statement indicating that the state had adequate methods of administration to assure compliance with Section 167 of the Act. It provides for a method of modification in accordance with procedures established by the Department of Labor if major changes occur in labor market conditions, funding, or other factors during the period covered by the plan.

(2) Program Announcement for a Request for Proposal (RFP) for Older Individuals, dated May 30, 1986. This packet includes a letter of request seeking proposals to provide innovative employment and training programs for individuals age fifty-five (55) and older (older workers); also the procedures for the submission of a program request of funding for activities authorized under JTPA, Title II-A. These procedures include information on the purpose, objectives, authorized activities, approach and methodology, length of project, level of support and funding information, matching, service providers, list of service delivery areas (SDAs); also, the project application that includes name of project and agency, summary, requested funds, number of slots, budget summary and detailed budget, project description and design, performance standards, staff job descriptions, DES and SDA concurrence forms, EEO statement, and deliverer of training services.

(3) Program Announcement for a Request for Proposal (RFP) for postprogram data collection, dated June 23, 1986. This packet includes a letter of request seeking proposals from organizations which will gather data on former participants who received services which were funded through specific resources of JTPA, Title II-A (adults and Title III); also, the program announcement that includes the purpose, methodology, response requirements, project scope and duration and contracts. The RFP contains the description, outline and informational attachments. Included in these three (3) items are: special conditions and requirements, content specifications, evaluation criteria, selection process, general conditions, summary sheet application, budget summary, narrative instructions, narrative proposed work plan, demonstrated effectiveness of bidder, experience of key personnel, organizational/management systems, required inclusions, SDA listing, estimate of PY 1986 trainees,

required questions in the survey and data entry form.

(4) Program Announcement for a Request for Proposal (RFP) for Audit of Funds Under the Job Training Partnership Act (JTPA) dated February 20, 1986. This packet includes a letter of request seeking applications from all certified public accounting firms interested in submitting bids for the audit of funds distributed to agency contractors under JTPA. The proposal package contains five (5) enclosures, including specification schedule, application and certification, list of audits to be conducted, JTPA federal regulations, and a copy of the Job Training Partnership Act (PL 97-300).

(5) Job Training Partnership Act On-the-job Training (OJT) Manual JTPA Titles II-A and III dated January 1, 1986, which contains updated information and instructions for state administered OJT Programs. This packet includes operational procedures and implementation for developing OJT contracts and determining employer and occupational eligibility for the program under JTPA, Title II-A and III. These procedures include information on: the purpose; performance standards; employer, occupational and participant eligibility; number of allowable trainees and their wages; working conditions and labor laws; apprenticeable occupations; development, negotiation, duration, completion, modification and monitoring of contracts; linkages and waiver of OJT procedures; matching funds; payment procedures (responsibility for payment, allowable costs, reimbursement procedures); copies of JTPA forms used in the program and line instructions for completing the forms.

(6) Job Training Partnership Act Financial Management Guide dated July 1, 1986. This guide sets forth minimum requirements for recipients of JTPA funds in the disbursement of, accounting for, and reporting of program funds. Included are sections pertaining to: definitions of JTPA financial terms; compliance standards for recipients in the control and accountability of assets, liabilities, funds, and expenditures by the various titles of JTPA; procedures to be followed in order to minimize the time elapsing between the receipt of JTPA funds and disbursement of those funds; the responsibilities and standards to be followed in order to ensure that a financial and compliance audit is conducted on all JTPA funds; the responsibilities of the state and the SDAs in the financial monitoring of recipients of JTPA funds, in order to identify problem areas in recipient programs; procurement policies required to be followed in order to meet minimum federal, state, and local requirements; property management standards to be used by recipients in maintaining accountability of all property purchased with JTPA funds and transferred from the CETA Program; the responsibilities of the state and the service delivery areas in the purchase, maintenance, and use of the single integrated management information system for JTPA; and the instructions for completing the JTPA Quarterly Status Report and the JTPA Annual Status Report. Also included are JTPA forms and instructions for the completion thereof.

(7) JTPA Grievance Procedures (state level) dated January 1987, which provides for a participant grievance system to be adopted by all contractors (including their subcontractors) having JTPA funded contractual agreements with the state, a mechanism for hearing complaints that have not been resolved at the SDA (service delivery area) level and a formal procedure for the resolution of nonparticipant complaints and which includes the time frames and procedures to follow during the appeals process as well as forms to be used by the parties involved in the process.

Section 3. All documents incorporated by reference herein are on file for public inspection in the Office of the Executive Director, Office of Training and Reemployment, 275 East Main Street, Third Floor West, Frankfort, Kentucky 40621, and in local service delivery area offices located throughout the state. (22 Ky.R. 501; Am. 1082; eff. 12-7-95.)